



**EXPRESS MAIL NO.: EL 501 640 318 US**

**PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Taylor et al.

Serial No.: 09/724,621

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: To Be Assigned

For: METHODS FOR THE PREVENTION  
AND TREATMENT OF VIRAL AND  
MICROBIAL INFECTIONS USING  
ANTI-C3b(i) ANTIBODIES (as amended)

Attorney Docket No.: 9426-056

**TRANSMITTAL IN RESPONSE TO NOTICE  
TO FILE MISSING PARTS OF APPLICATION**

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

Sir:

In response to the Notice To File Missing Parts Of Non-Provisional Application, mailed March 12, 2001 (a copy of which is attached), Applicants submit herewith: (a) a Declaration For Non-Provisional Patent Application ("Declaration"), executed by Ronald Taylor, Margaret A. Lindorfer, William M. Sutherland and Joanna B. Goldberg, as inventors of the above-identified application; and (b) a Petition For Extension Of Time for two (2) months, up to and including July 12, 2001, accompanied by the appropriate provision authorizing payment of the required fee. Applicants also submit herewith: (a) a Transmittal of Power of Attorney By Assignee And Exclusion Of Inventor(s) Under 37 C.F.R. § 3.71; (b) a Power of Attorney By Assignee And Exclusion Of The Inventors Under 37 C.F.R. § 3.71; (c) a copy of the minutes from the April 5, 1999 University of Virginia Patent Foundation Board of Directors Meeting, which indicates that John P. Breen, as in-house counsel, has authorization to sign on behalf of the University of Virginia Patent Foundation; and (d) Exhibit A, copies of the Assignments which are being concurrently submitted to the recordation branch of the United States Patent and Trademark Office.

Applicants respectfully assert that authorization was given to charge the required fee for filing the above-identified application to Pennie & Edmonds LLP Deposit Account No. 16-1150 in the Transmittal letter accompanying the application as filed on November 28, 2000. A copy of the Transmittal Letter filed on November 28, 2000 is

enclosed herewith as Exhibit B. Applicants cancelled claims and added new claims in a Preliminary Amendment filed on February 28, 2001 in the United States Patent and Trademark Office. The Preliminary Amendment was accompanied by a Fee Transmittal authorizing payment of the required fee from Pennie & Edmonds LLP Deposit Account No. 16-1150 for the additional claims. A copy of the Preliminary Amendment and Fee Transmittal filed on February 28, 2001 are enclosed herewith as Exhibit C. As evidence of the fact that Pennie & Edmonds LLP Deposit Account No. 16-1150 was charged for the additional claims, Applicants enclose herewith as Exhibit D a copy of page 4 of Pennie & Edmonds LLP February Monthly Deposit Statement which shows that Deposit Account No. 16-1150 was charged \$782.00 on February 1, 2001 for U.S. application Serial No. 09/724,621. The other charges to the Deposit Account for unrelated matters have been redacted. Thus, Applicants respectfully assert that payment of the required filing fees were authorized on November 28, 2000 and that the fees for additional claims were charged on February 1, 2001 to Pennie & Edmonds Deposit Account No. 16-1150. However, in order to expedite the prosecution of the above-identified application, Applicants hereby authorize the United States Patent and Trademark Office to charge the required filing, estimated to be \$1,706.00, to Pennie & Edmonds LLP Deposit Account No. 16-1150

Applicants also authorize the United States Patent and Trademark Office to charge the required fee for filing the Declaration, estimated to be \$130.00, to Pennie & Edmonds LLP Deposit No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Applicants respectfully request that the above-identified documents be made of record in the present application file.

Respectfully submitted,

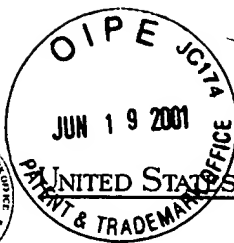
Date June 19, 2001

Geraldine F. Baldwin 31,232  
Geraldine F. Baldwin (Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures

By: Jennifer J. Chheda  
Reg No. 46,617



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/724,621	11/28/2000	Ronald P. Taylor	9426-056-999

20583  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

# FORMALITIES LETTER



\*OC000000005849207\*

Date Mailed: 03/12/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$214.
  - \$756 for 42 total claims over 20.
  - \$240 for 3 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1054.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/21/2001 SSITHIB1 00000046 161150 09724621

02 FC:101 710.00 CH  
03 FC:103 756.00 CH  
04 FC:102 240.00 CH  
05 FC:105 130.00 CH

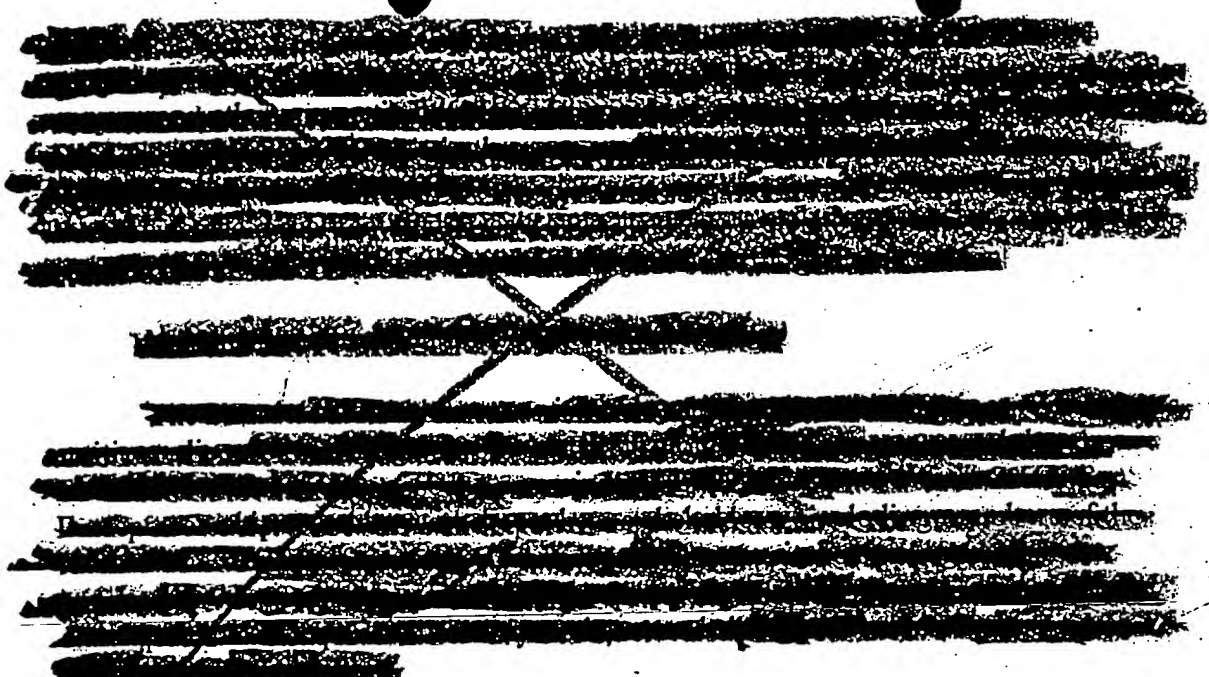
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**Directors Present:** Haydn N.G. Wadley (Chairman), Gene D. Block, Charles E. Hamner, Jr. (by telephone)\*, John C. Herr\*\*, Erik L. Hewlett, Thomas C. MacAvoy, and Michael H. Van Vranken (by telephone).

**\*\* Mr. Herr entered the meeting at 5:20 p.m.**

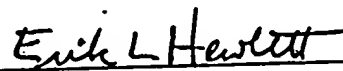
[illegible]

BEST AVAILABLE COPY

  
Mr. MacWright asked the Board to authorize in-house Patent Counsel to sign documents related to the prosecution of foreign and domestic patents. After discussion, and upon motion duly made, seconded, and carried, it was

RESOLVED, in accordance with Section 5.01 of the Bylaws, that in-house Patent Counsel are authorized to execute all documents necessary or beneficial for the prosecution of foreign and domestic patents on behalf of the Foundation, including, but not limited to domestic and foreign powers of attorney, assignments to the Foundation, and letters of engagement with outside patent counsel.

There being no further business, the meeting adjourned.



Secretary

**THE UNIVERSITY OF VIRGINIA PATENT FOUNDATION  
RESOLUTION FOR ADOPTION BY THE BOARD OF DIRECTORS  
APRIL 5, 1999**

**RESOLVED**, in accordance with Section 5.01 of the Bylaws, that in-house Patent Counsel are authorized to execute all documents necessary or beneficial for the prosecution of foreign and domestic patents on behalf of the Foundation, including, but not limited to domestic and foreign powers of attorney, assignments to the Foundation, and letters of engagement with outside patent counsel.

\\CHA\2512\UVA Patent Foundation\Resolution 04-05-99.doc



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**UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Taylor et al.

Application No.: 09/724,621

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: To Be Assigned

For: METHODS FOR THE  
PREVENTION AND TREATMENT  
OF VIRAL AND MICROBIAL  
INFECTIONS USING ANTI-C3b(i)  
ANTIBODIES (as amended)

Attorney Docket No.: 9426-056

**TRANSMITTAL OF POWER OF ATTORNEY BY  
ASSIGNEE AND EXCLUSION OF INVENTOR(S)  
UNDER 37 C.F.R. §3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is a Power of Attorney By Assignee and Exclusion of Inventor(s) Under 37 C.F.R. §3.71 executed by John P. Breen on behalf of the University of Virginia Patent Foundation Inc., the assignee of the above-identified patent application.

Applicants also submit herewith: (1) a copy of the minutes from the April 5, 1999 University of Virginia Board of Directors Meeting, which indicates that John P. Breen, as in-counsel, has authorization to sign prosecution related documents on behalf of the University of Virginia Foundation; (2) copies of the Assignments being concurrently submitted to the recordation Branch of the United States Patent and Trademark Office as Exhibit A; (3) a Transmittal In Response To Notice To File Missing Parts Of Application; (4) an executed Declaration; (5) a copy of the Notice To File Missing Parts of Non-provisional Application; and (6) a Petition For Extension of Time (in duplicate), accompanied by the appropriate provision authorizing payment of the required fee.

Applicants respectfully request that the enclosed Power of Attorney By Assignee and Exclusion of Inventor(s) Under 37 C.F.R. §3.71 be made of record in the file of the application.



Applicants do not believe there is a fee due in connection with this submission. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date June 19, 2001

Geraldine F. Baldwin 31,232

Geraldine F. Baldwin (Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosure

By: Jennifer J. Chedler  
Reg No. 46,617



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and  
return top portion with your check. Make check  
payable to Commissioner of Patents & Trademarks.

Account No.	161150
Date	3-30-01
Page	4

PENNIE & EDMONDS LLP  
MARIO SANTIAGO  
1155 AVENUE OF THE MERICAS  
NEW YORK NY 10036-2711

FINA

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
Q.	DAY	YR.						

3	2	01	292	09724621	9426-056	103	702.00	119230.75
3	2	01	293	09724621	9426-056	102	80.00	119150.75

AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED	OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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Express Mail No.: EL 564 218 208 US

**PENNIE & EDMONDS LLP**  
COUNSELLORS AT LAW  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-9090

ATTORNEY DOCKET NO. 9426-056-999

Date: November 28, 2000

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Ronald P. Taylor, Margaret A. Lindorfer, William M. Sutherland and Joanna B. Goldberg Executed on: Inventors Unavailable for Execution

Title of Invention: METHODS FOR THE PREVENTION AND TREATMENT OF CANCER USING ANTI-C3b(i) ANTIBODIES

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	62	-20	0	\$18.00 each	\$ 756.00
Independent	6	-3	0	\$80.00 each	\$ 240.00
Minimum Fee					\$ 710.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 270.00
Total					\$ 1,976.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)					\$ 0.00
Total Filing Fee					\$ 1,976.00

- ☒ Priority of provisional application no. 60/181,143 filed on February 8, 2000 in the U.S.A. is claimed under 35 U.S.C. § 119(e).
- ☐ The certified copy of the priority application has been filed in application no. filed
- ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation-in-part of application no. filed.

enclosed,

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is

Respectfully submitted,

By *Jennifer Chiodi*  
*Geraldine F. Baldwin* 31,232  
Geraldine F. Baldwin (Reg. No.)  
PENNIE & EDMONDS LLP

Enclosure

This form is not for use with continuation, divisional, re-issue, design or plant patent applications.